

REMARKS

The Final Office Action dated July 8, 2008 has been received and its contents carefully noted.

Claims 40-53, 59-62, 64, 66, and 68-77 are pending in the application.

Claims 59-62, 66, 68 and 73 are withdrawn from consideration in response to the Examiner's restriction requirement.

Claims 40-53, 59-62, 64, 66, and 69-77 stand finally rejected.

New dependent method claims 78-81 have been introduced in the attached claim set. Support for new claim 78 can be found on page 2, lines 19-20 of the PCT application as originally filed. Support for the new claim 79 may be found on page 5, lines 23-36 of the PCT application as originally filed. Support for new claims 80 and 81 can be found from page 7, line 3 to page 8, line 14 of the PCT specification as originally filed. No new matter is added nor are new issues presented for search and consideration by way of the amendment.

Claim 48 has been amended to recite the device comprises "a detector configured to detect release of a releasable connector connecting the device to a person". Support for this amendment may be found in claim 1 as originally filed. Some minor amendments have also been made to some of the other existing claims to place them in better form. No new matter is added nor are new issues presented for search and consideration by way of the amendment.

Applicant respectfully requests continued examination of the application as amended.

Claim Rejections 35 U.S.C. 103

At paragraph 2, pages 4-9 of the Office Action, the Examiner has rejected independent claims 40, 48 and 77 under U.S.C. 103(a) for being unpatentable over Sasakura (U.S. 6,151,493) in view of Briffett (U.S. 6,154,665). Applicant respectfully disagrees.

Sasakura discloses a cellular phone 30 and a transmission unit 10 which is worn by the owner of the cellular phone 30. The transmission unit 10 is card-shaped (see column 3, lines 45 to 46) and may be kept in the owner's breast pocket (see column 3, lines 52 to 53). The transmission unit 10 sends a signal to the phone 30 to keep it in operation. When the phone 30 is

more than a predetermined distance from the transmission unit 10, and the strength of the signal sent by the transmission unit 10 drops below a threshold level, the phone 30 is disabled using a canceling unit 20 and an AND gate 36a in the phone 30 (see column 4, lines 14 to 28).

The canceling unit 20 provides an input to AND gate 36a. If the signal presence determination unit 22b in the canceling unit 20 determines that no ID signal is being received from the transmission unit 10, it outputs a signal to stop a signal generator 26 from producing a use prohibition canceling signal to the AND gate 36a. It appears that if this canceling signal is not sent from the signal generator 26 to the AND gate 36a via the switch 37c, the user will be unable to use the number and function keys 37a. Therefore, if a signal is not received from a transmission unit 10, the cellular phone 30 is completely disabled.

Briffett discloses a mobile telephone 1 comprising a telephone proximity unit 16 and a belt clip assembly 20 comprising a belt clip proximity unit 46. The telephone proximity unit 16 comprises a detecting contact 82 and the belt clip proximity unit 46 comprises a detecting contact 62. When the telephone 1 is situated in the belt clip assembly 20, the detecting contacts 62, 82 electrically contact each other. In the absence of electrical contact between the detecting contacts 62, 82, the telephone proximity unit 16 and the belt proximity unit 46 are switched on (column 4, lines 36 to 39). The telephone proximity unit 16 then transmits a master proximity signal S2 to the belt proximity unit 46. After receiving the master proximity signal S2, the belt proximity unit 46 transmits a slave acknowledgement proximity signal S1 to the telephone proximity unit 46.

If the telephone proximity unit 16 does not receive the signal S1 (e.g. because it is not within the transmission range of the belt clip proximity unit 46), the telephone proximity unit 16 sounds an alarm and sends instructions to a microprocessor 4 of the telephone 1 "which switches the telephone 1 from its normal mode in which it waits to have a PIN number entered and all other functions of the telephone, such as the capability to receive or place a call, are unavailable to the user" (column 4, line 62 to column 5, line 10).

Applicant' independent claim 40 recites:

“[a] device comprising:  
unauthorized separation detection means arranged to detect release of a releasable connector connecting the device to a person; and  
control means, having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector”.

In relation to claims 40 and 48, the Examiner has argued that Sasakura discloses a device comprising “unauthorized separation detection means” and “control means, having a first mode [that] effects at least partial disablement of the device”.

The Examiner has stated that Sasakura fails to teach “a [sic] whenever a releasable connector connecting the device to a person is released”.

The Examiner then states that “[h]owever, Briffett teaches a release of a releasable connector connecting the device to a person... [i]t would therefore have been obvious to one of the [sic] ordinary skilled in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a [sic] arrangement that includes a belt clip assembly which enables the user to attach a telephone to his belt for convenient transportation”.

Applicant respectfully submits that it is clear that the Examiner is reading claim 40 erroneously. Claim 40 recites that the device comprises “control means, having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector”.

The expression “whenever the releasable connector is released” clearly relates to the first mode of the control means, meaning that it is nonsense to talk of “a whenever a releasable connector connecting the device to a person is released” separate from the “control means”.

Although Sasakura may disclose “control means having a first mode”, it is clear that Sasakura does not disclose “control means” having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the

device in response to the release of the releasable connector". This is because Sasakura does not disclose any sort of "releasable connector".

Briffett also does not disclose "control means, having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector". This is because, in Briffett, disablement of the mobile telephone 1 of Briffett is not a direct consequence of the mobile telephone being removed from the belt clip assembly 20, but a direct consequence of the mobile telephone 1 being moved out of the transmission range of the belt clip proximity unit 46 of the belt clip assembly 20.

Provided that the mobile telephone 1 is not moved out of the transmission range of the belt clip assembly 20, it will remain operational. Therefore, the mobile telephone 1 of Briffett is not disabled by its control means "whenever the releasable connector is released", as required by claim 40 of the present application.

The Examiner is of the opinion that a person of ordinary skill in the art would "combine the teaching of Briffett with the system of Sasakura for the benefit of achieving an arrangement that includes belt clip assembly which enables the user to attach a telephone to his belt for convenient transportation". Applicant disagrees.

If a person skilled in the art were to attempt to combine the teaching of Briffett and with the system of Sasakura, it may well result in an arrangement that includes "a belt clip assembly which enables the user to attach a telephone to his belt for convenient transportation", as stated by the Examiner. Such a combination, however, would not result in anything falling within the scope of claim 40, as it would not include "control means, having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector". This is because both Briffett and Sasakura teach that disablement of a mobile telephone should only be effected in response to the diminution of a radio connection between the mobile telephone and an associated radio device. Neither Briffett nor Sasakura teach that a mobile telephone should have a mode in which, whenever a releasable connector is released, control means effects partial disablement of the mobile telephone.

Embodiments of the invention as defined by independent claims 40 are therefore considered to be novel and non-obvious in view of the disclosures made in Sasakura and Briffett. The subject-matter of claims 48 and 77 is considered to be novel and non-obvious for similar reasons as set forth for independent claim 40 and are incorporated fully herein with respect to claims 48 and 77.

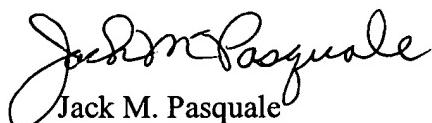
The remaining claims of the application are dependent directly or indirectly upon independent claims 40, 48 and 77 and it is submitted that these claims likewise are distinguishable over Sasakura and Briffett for similar reasoning and for additional limitations clearly set forth therein.

In view of the foregoing, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §103.

Conclusion

For all the foregoing reasons it is believed that all remaining claims of the application are in condition for allowance, and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,



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